

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:19-cv-320-MOC-WCM

KIMBERLY BURNETTE,	)	
WILLIAM BURNETTE,	)	
	)	
Plaintiffs,	)	
vs.	)	
	)	
RED ROOF INNS, INC.,	)	<u>ORDER</u>
JAY MOYER,	)	
	)	
Defendants.	)	
	)	

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**THIS MATTER** is before the Court on Plaintiff's Motion to Amend/Correct Complaint, (Doc. No. 20), and on a review of a Memorandum and Recommendation by the U.S. magistrate judge. (Doc. No. 31).

In the Memorandum and Recommendation, Magistrate Judge W. Carleton Metcalf advised the Court to grant Plaintiff's Motion to Amend/Correct and to remand to state court. Judge Metcalf advised the parties of the right to file objections within 14 days, in accordance with 28 U.S.C. § 636(b)(1)(c). Defendants filed an objection within the time allowed. Having reviewed the motion and objection, the Court enters the following Order.

The Federal Magistrates Act of 1979, as amended, provides that "a district court shall make a de novo determination of those portions of the report or specific proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1); United States v. De Leon-Ramirez, 925 F.3d 177, 181 (4th Cir. 2019); Camby v. Davis, 718 F.2d 198, 200 (4th Cir. 1983). However, "when objections to strictly legal issues are raised and no factual issues are challenged, de novo review of the record may be dispensed with." Orpiano v. Johnson, 687 F.2d 44, 47 (4th Cir. 1982). Similarly, de novo review is not required "when a party makes general or

conclusory objections that do not direct the Court to a specific error in the magistrate judge's proposed findings and recommendations." Id. Moreover, "the statute does not on its face require any review at all . . . of any issue that is not the subject of an objection." Thomas v. Arn, 474 U.S. 140, 149 (1985).

Because Plaintiff's sole objection is strictly legal, the Magistrate's Act does not require the Court to conduct de novo review. Still, the undersigned as district judge is ultimately responsible for the final decision in this case. As such, the Court has reviewed the magistrate judge's decision and has determined that it is consistent with current law. As such, the Court will fully affirm the Memorandum and Recommendation and grant relief in accordance therewith.

## ORDER

**IT IS, THEREFORE, ORDERED** that Plaintiff's Motion to Amend/Correct Complaint (Doc. No. 20) is **GRANTED**, Defendants' Objection is **OVERRULED**, and the Memorandum and Recommendation (Doc. No. 31) is **AFFIRMED**. In accordance with the Memorandum and Recommendation, this matter is remanded to state court.

Signed: June 6, 2020



Max O. Cogburn Jr.  
United States District Judge